

**TOWN OF VERNON
Planning & Zoning Commission (PZC)
Draft Minutes - Special Meeting Notice
Thursday, March 4, 2010, 7:00 PM
Auditorium, Second Floor
Vernon Senior Center
26 Park Place
Rockville/Vernon, CT**

**RECEIVED
VERNON TOWN CLERK
10 JUL - 6 PM 12:48**

1. Call to Order & Roll Call

- **Meeting was called tot order at 7:03 P.m.**
- **Regular members Present:** Lester Finkle, Chester Morgan, Keith Lauzon and Walter Mealy. Sarah Iacobello entered at 7:23 P.M.
- **Alternate Members Present:** Charles Bardes & Victor Riscassi. Charles Bardes to sit for Watson Bellows. Victor Riscassi to sit for Sarah Iacobello.
- **Staff Present: Leonard Tundermann, Town Planner, Terry McCarthy, Town Engineer**
- **Recording Secretary:** James Krupienski

2. Administrative Actions/ Requests

2.1 Communications received NOT related to Agenda items

- ♦ **None**

2.2 Amendment / Adoption of Agenda - Additional business to be considered under agenda item #6 "Other Business"

- ♦ **Move 4.1 ahead of 3.2**
- ♦ **Move 5.1.1 ahead of 3.2**
- ♦ **Move 5.2 ahead of 3.2**
- ♦ **Chester Morgan, seconded by Francis Kaplan moved to Adopt the Agenda as Amended. Motion carried unanimously.**

2.3 Acceptance of Minutes

- ♦ **None**

3. Public Hearings

3.1 Application [PZ-2010-03] of Dipen Shah for a Special Permit for Wine & Liquor Store at 30 Lafayette Square (10 Hyde Ave) (Assessor's ID: Map #46, Block #0071, Lot/Parcel #0019A)

- ♦ **Leonard Tundermann, Town Planner read the Legal Notice into the record.**
- ♦ **Walter Mealy, seconded by Chester Morgan moved a motion to continue the application to the March 18, 2010 meeting. Motion carried unanimously.**

4.1 Application [PZ-2009-28] of Eric Kloter (Meadowbrook Hardware, LLC) for Zone Change from Planned Residential Development (PRD) to Commercial (C) at #4 & #6 Regan Street (Assessor's ID: Map #22, Block #41, Lot/Parcel #17 & #18)

- ♦ **Francis Kaplan, seconded by Chester Morgan moved a Motion to Approve the Application. Motion carried 6-1. Commissioner Mealy opposed.**

5.1 Receipt of Applications:

5.1.1 Application [PZ-2010-05] of Reverend Thomas Walsh for a Special Permit for establishing a church at #97 Main Street in the R-27 zone (Assessor's ID: Map #01, Block #158A, Lot/Parcel #13)

- ♦ **Leonard Tundermann, Town Planner indicated the application requires a Public Hearing for Special Permit approval.**
- ♦ **Francis Kaplan, seconded by Walter Mealy moved a Motion to Receive and Schedule a Public Hearing for March 18, 2010. Motion carried unanimously.**

5.2 Request for Extension of time from Joseph Vallone for the start of construction to March, 2011 to the Roosevelt Mills, #215 East Main Street.

- ♦ **Leonard Tundermann, Town Planner indicated the applicant is currently in site preparation work. Requesting extension to February 3, 2011.**
- ♦ **Terry McCarthy**
- ♦ **Chester Morgan, seconded by Francis Kaplan moved a Motion to grant the Extension to March 2011. Motion carried unanimously.**

3.2 Continued Hearing for Application [PZ-2009-26] of Ticket Network LLC for a Special Permit/Site Plan of Development for a Commercial Recreational Facility at #60 South Frontage Road (Assessor's ID: Map #29, Block #134, Lot/Parcel # 00001)

- ♦ **Victor Riscassi recused himself from the application due to previous absences from the meetings.**
- ♦ **Attorney Famiglietti, Kahan, Kerensky & Cappossela:**
 - **Spoke to jurisdiction to review application;**
 - **The application for approvals relative to 60 South Frontage Road for Special Permits;**
 - **Site Plan Approval**
 - **Erosion and Sediment Control Plan Approval;**
 - **Five Special Permits.**
 - **No permits were sought for 135 or 140 Bolton Road and felt Legal Notice was not lacking in notification.**
 - **Emergency access by 135 Bolton Road will still be required by Easement;**
 - **"Commercial Recreation Facility" – reviewed definition. Informed by Abraham Ford and determined it would fall within the guidelines of the definition.**
 - **Any facility where a fee is paid in exchange for activities, events or programs related to athletics, physical conditioning and accessory activities."**
 - **Spoke to the State Outdoor Recreation Plan – State definition recognizes Outdoor concerts.**
 - **May conflict with the Plan of Conservation and Development (POCD) – Need physical & psychological release (Open Space Section 7).**
 - **Revision to Plans during the Public Hearing process is implied during the review process.**
- ♦ **Sarah Iacobello entered the meeting at 7:23 P.M.**

- ◆ **Attorney Famiglietti, Kahan, Kerensky & Cappossela:**
 - **Complying with CGS §8-7d for timing of the application process.**
 - **Inland Wetlands Commission application for redesignation in April of 2009.**
 - **Wetland Permit application in July 2009.**
 - **Notices were sent to abutters for each application.**
 - **Scope of Application**
 - **7 Special Permits for Development of a Outdoor Concert Venue at 60 South Frontage Road;**
 - **May through October;**
 - **Maximum of twenty (20) concerts;**
 - **Concert would not begin before 7:00 P.M.;**
 - **Concerts would end by 11:00 P.M. curfew.**
 - **Concerts to be held on Friday, Saturday or Sunday nights;**
 - **Could be possible to have a weekend with multiple concerts;**
 - **May have concerts on Memorial Day, 4th of July and Labor Day depending of cost;**
 - **No concerts to be held on July in the Sky;**
 - **57,000 sq/ft lawn area will not be the determining factor for the site;**
 - **Patrons area will be based on Fire Code;**
 - **Parking will be to a maximum of 556 spaces and will be presented to the State Traffic Commission to show adequate parking at the venue;**
 - **50 Spaces would be dedicated to Staff;**
 - **State Traffic Commission suggests 2.5 persons per car or 1,390 people.**
 - **Music at venue planned as Country and Classic Rock Bands based on demand;**
 - **Believes security will be appropriate for the site;**
 - **Weather – Concerts will take place rain or shine except during sever weather. Could be delayed up to the 11:00 P.M. curfew.**
 - **Front of House (FoH) – placement of the sound board for controls to not exceed 95 DbA. Will meet Department of Environmental Protection (DEP) regulations for Commercial & Residential. Will be relocated to 50' in front of the Stage location.**
- ◆ **Bennett Brooks, Brooks Acoustics Corporation, Vernon, CT:**
 - **State Licensed Engineer #17401;**
 - **Comments from Jonas Sacks & Rob Barrons of Ascentec;**
 - **Potential Noise Impact: was not defined.**
 - **No quantitative analysis data**
 - **No dispute regarding DEP compliance;**
 - **Ambient Background noise – no data to show impact.**
 - **Limited change to noise level at an increased height.**
 - **Impact of Base noise – Bass sound was reviewed and did not impact surrounding residences;**
 - **Sound Barriers – No numerical data supplied to discredit barriers. Feels ridged barrier would be improper to utilize;**
 - **Calculations at 76 South Frontage – 2nd story calculations were not previously determined. Stated they would meet DEP regulations at the adjacent commercial building.**

- Less than 10% of Bass to transfer through the proposed sound barrier.
Minimal off-site sound leakage
- Sound Test Revised numbers:
 - #1 Estell/Tunnel 33 DbA Background 56 DbA
 - #2 W. T. Ferguson 49 DbA Background 59 DbA
 - #3 Elizabeth Lane 50 DbA Background 58 DbA
 - #4 Bolton Road 31 DbA Background 48 DbA
 - #5 Valley Falls Road 31 DbA Background 51 DbA
- Top Stage speakers would be focused on venue patrons;
- South Frontage with barriers and 30' Speakers
 - 54 DbA at the property line;
 - 60 DbA at Second Floor window
- 2 Pine View Drive – distance of 2,100 feet
 - 28 DbA Background 45 DbA
 - Calculated on a straight line – not previously measured.
- 114 Valley Falls Road – distance of 1,900 feet
 - 27 DbA Background 51 DbA
 - Not previously measured.
- 115 Valley Falls Road – distance of 1,553 feet
 - 29 DbA Background less than 45 DbA
- Crowd Noise – reviewed available data and determined it would be at or below the music levels.
- ♦ Chester Morgan questioned adherence to the Regulations of the Department of Environmental Protection based on §22a-69-1.8(i) exemption.
- ♦ Mr. Brooks indicated he believed it was for municipal events.
- ♦ Attorney Famiglietti stated that the applicant will agree to comply with all DEP regulations without exemption. Supplied proposed Stipulations of Approval to the Commission.
 - Page #2 outlines Sound Control and compliance. (Attachment)
 - Bass levels should not be detectable at most locations;
- ♦ Walter Mealy questioned the date of the 2nd test for new data review.
- ♦ Mr. Brooks indicated that the initial test was completed on September 24, 2009 and no 2nd test was completed. New calculations were completed with existing data.
- ♦ Keith Lauzon questioned if background noise would be louder than the concert venue.
- ♦ Mr. Brooks believed the background noise would be significantly more than the proposed venue.
- ♦ Charles Bardes questioned noise complaints made during the simulated concert event received by the Police Department.
- ♦ Attorney Famiglietti reviewed noise complaints during the simulated sound test.
 - Four (4) verifiable audio recorded calls were received;
 - No sound controls were in place during the simulated test;
 - Proposed plans would adequately address sound levels at adjacent property lines below 62 DbA based on the DEP regulations.
 - Officer was sent to the test site could not determine excessive sound levels off-site in the area.

- ◆ Walter Mealy questioned the possible use of pyrotechnics at the proposed venue
- ◆ Attorney Famiglietti indicated that not permits were being requested to use pyrotechnics.
- ◆ Charles Bardes questioned impact and measurement of crowd noise.
- ◆ Mr. Brooks indicated the data was from nationwide outdoor facilities were crowd noise did not exceed music levels.
- ◆ Charles Bardes questioned if 1,390 would be the maximum limit of attendees.
- ◆ Attorney Famiglietti stated the ticket sales will be based on 2.5 person/car to a maximum of 1,390 patrons.
- ◆ Charles Bardes questioned enforcement of violations of stipulations.
- ◆ Attorney Famiglietti indicated that the clause *"In the event of violation of any conditions of approval, the owner will be subject to enforcement proceeding pursuant to CGS 8-12, which may include the imposition of fines and revocation of this permit."* is added as part of the stipulation for approval.
- ◆ Charles Bardes questioned how the stipulations would be monitored.
- ◆ Leonard Tundermann, Town Planner indicated that reports would be supplied for sound test to determine compliance with appropriate levels.
- ◆ Leonard Tundermann, Town Planner questioned how the speaker towers are placed based upon the attenuation blankets, and how does that placement affect the variable of sound propagation through or around the blankets and How do sound waves travel when the meet a hill or other object.
- ◆ Mr. Brooks responded:
 - Speaker clusters will be nestled back into the speaker towers and surrounded by noise blocking materials.
 - Stated that calculations have determined <1% up to 5% could get through blocking materials.
- ◆ Francis Kaplan questioned the maximum venue capacity.
- ◆ Attorney Famiglietti stated venue would have a maximum capacity up to 1,390 patrons.
- ◆ Sarah Iacobello questioned sound levels of background is higher than the music levels and if there was a qualitative difference between the background noise and the noise level of the music.
- ◆ Mr. Brooks indicated that the sound levels with the new design and reduce venue size should not be audible at any location. Indicated each sound type is unique but should not be noticeable in the surrounding neighborhood.
- ◆ Recess at 9:00 P.M.
- ◆ Meeting reconvened at 9:13 P.M.
- ◆ CT Statewide Comprehensive Outdoor Recreation Plans(SCORP) was reviewed and supplied updated calculations from Mr. Brooks.
- ◆ Jim Bubaris, Bubaris Traffic Associates
 - Major traffic generator and requires State Traffic Commission (STC) Permit;
 - Reviewed process to determine traffic patterns for analysis;
 - Parking on site has been reduced to 606 spaces
 - New Traffic Study was completed on February 23, 2010 to show impact on reduction of parking for application.

- Requires review for parking in excess of 200 spaces or 100,000 sq/ft building area;
- State Traffic Commission (STC) will only approve parking spaces not the quantity of spectators at the venue;
- Violations will be issued a cease and desist order for the venue;
- State Traffic Commission (STC) can impose additional improvements at the developers cost if violations occur;
- Monitored both sides of tunnel for queue length at one (1) minute intervals. Maximum queue length was during 5:00 – 6:00 P.M. with 5 in one direction and 4 in the opposite direction.
- Expects to see one (1) additional car in queuing near the tunnel.
- Suggested possible traffic signal- not enough volume to warrant installation. Suggested signage to allow for multiple vehicles through the tunnel at a time.
- ◆ Terry McCarthy, Town Engineer spoke to en-masse arrival at the venue and the impact.
- ◆ Mr. Bubaris indicated that he revaluated the impact of one (1) hours traffic arrived within a half-hour time period and determined there would be minimal impact.
- ◆ State Traffic Commission may require coning of the off-ramp for directing concert traffic to minimize impact. Could also require permanent widening for two (2) lane egress at the developers cost.
- ◆ Sarah Iacobello questioned the possibility of implementing changes after the venue is in operation.
- ◆ Mr. Bubaris indicated the STC has the ability to review at future time and require the developer to complete the improvements.
- ◆ Attorney Famiglietti listed four (4) possible stipulations for approval relative to Traffic Control. (Attachment)
- ◆ George Logan, REMA Ecological Services:
 - Will be an impact to the wildlife with any development at the site.
 - No foraging or denning is expected to occur near the stage area.
 - Has been designed to meet Dark Sky Standards for minimal impact to wildlife.
 - Aquifer recharge would not be impacted. Low chance of down water degradation.
 - Impact from hazardous vehicle fluids would be minimized with parking area maintenance plan.
- ◆ Charles Bardes questioned the impact of a single concert versus a multiple weekend concert.
- ◆ Mr. Logan felt there would only be a minimal increased impact to the surrounding wildlife.
- ◆ Eric Peterson, Gardner & Peterson Associates:
 - Stormwater Management System Proposal will require less maintenance than a typical catch basin parking area.
 - Designed based on the 2004 Stormwater Quality Management Manual. Reviewed required maintenance of proposed system.
- ◆ Attorney Famiglietti spoke to the Conservation Commissions 2nd memorandum regarding maintenance and removal of portable facilities after

concerts. Felt the facilities would not have any risk but agree to clean and remove after each concert. Stipulation part of the Environmental Protections. (Attachment)

- ◆ Attorney Famiglietti spoke to Vernal Pool Study request stated by Sheryl McMullen that took place during 2005. Property was not acquired until 2008.
- ◆ Attorney Famiglietti spoke to Sale of Alcohol Special Permit.
 - Will have Sixteen (16) Private Security personnel
 - Will have Eight (8) Private duty Police Officers (4 for Parking and 4 for Crowd Control).
 - After parking control officers would assist with crowd control.
 - Reviewed actions to be taken regarding inebriated individuals.
 - Spoke to impact to surrounding hospitals based on comments from Mr. McQuade.
 - No tail-gating will be allowed in the parking area.
 - Police Chief would be in control of Crowd Control. Stipulation added in Police/Security/Sale of Alcoholic Beverages. (Attachment)
- ◆ Walter Mealy, seconded by Keith Lauzon moved a Motion to Extend Curfew to 10:50 P.M. Motion carried unanimously.
- ◆ Discussion took place regarding controls for sale of alcohol.
- ◆ Attorney Famiglietti indicated that staff would be checking bags for illegal substances prior to admittance to the venue.
- ◆ Charles Bardes questioned the start time for sale of alcohol and liability
- ◆ Mr. Vaccaro stated the vendors would begin sales when the gates to the sitting area opened.
- ◆ Attorney Famiglietti indicated that the vendor would have the liability for the sales as the property owner is not the holder of the Liquor Permit.
- ◆ Sarah Iacobello questioned the proposed security staff.
- ◆ Attorney Famiglietti indicated that they would be private security, not TicketNetwork employees.
- ◆ Donald Vaccaro presented a Slideshow relative to specific past issues.
- ◆ Attorney Famiglietti reviewed Commercial allowances
- ◆ Public Hearing was closed at 10:49 P.M.
- ◆ Chester Morgan, Seconded by Francis Kaplan moved a Motion to Continue the application to March 11, 2010 @ 7:30 P.M. Motion carried unanimously.

4. Old Business

- 4.1 Application [PZ-2009-28] of Eric Kloter (Meadowbrook Hardware, LLC) for Zone Change from Planned Residential Development (PRD) to Commercial (C) at #4 & #6 Regan Street (Assessor's ID: Map #22, Block #41, Lot/Parcel #17 & #18)
 - ◆ Moved prior to Item # 3.2 in Amended Agenda.
- 4.2 Plan of Conservation and Development
 - ◆ No discussion
- 4.3 Other zoning regulation changes for consideration:
 - a. Low Impact Development (LID)

- b. Garden zone;
- c. Requiring sewers for development within aquifer protection zones;

♦ **No discussion**

5. New Business.

5.1 Receipt of Applications:

5.1.1 Application [**PZ-2010-05**] of Reverend Thomas Walsh for a Special Permit for establishing a church at #97 Main Street in the R-27 zone (Assessor's ID: Map #01, Block #158A, Lot/Parcel #13)

♦ **Moved prior to Item 3.2 in Amended Agenda.**

5.2 Request for Extension of time from Joseph Vallone for the start of construction to March, 2011 to the Roosevelt Mills, #215 East Main Street.

♦ **Moved prior to Item 3.2 in Amended Agenda.**

6. Other Business

6.1 Additional business to be considered should be introduced under PZC meeting agenda item "#2.2 Amendment / Adoption of Agenda" at the beginning of the meeting.

7. Adjournment.

- ♦ **Francis Kaplan, seconded by Keith Lauzon moved a Motion to Adjourn. Motion carried unanimously.**
- ♦ **Meeting adjourned at 10:50 P.M.**

James Krupinski
Recording Secretary